

an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON CERTAIN HUMAN-ANIMAL CHIMERAS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 51 the following:

“CHAPTER 52—CERTAIN TYPES OF HUMAN-ANIMAL CHIMERAS PROHIBITED

“Sec.

“1131. Definitions.

“1132. Prohibition on human-animal chimeras.

“§ 1131. Definitions

“In this chapter:

“(1) HUMAN EMBRYO.—The term ‘human embryo’ means an organism of the species *Homo sapiens* during the earliest stages of development, from 1 cell up to 8 weeks after conception.

“(2) PROHIBITED HUMAN-ANIMAL CHIMERA.—The term ‘prohibited human-animal chimera’ means—

“(A) a human embryo into which a nonhuman cell or cells (or the component parts thereof) have been introduced to render the embryo’s membership in the species *Homo sapiens* uncertain;

“(B) a human-animal embryo produced by fertilizing a human egg with nonhuman sperm;

“(C) a human-animal embryo produced by fertilizing a nonhuman egg with human sperm;

“(D) an embryo produced by introducing a nonhuman nucleus into a human egg;

“(E) an embryo produced by introducing a human nucleus into a nonhuman egg;

“(F) an embryo containing at least haploid sets of chromosomes from both a human and a nonhuman life form;

“(G) a nonhuman life form engineered such that human gametes develop within the body of a nonhuman life form;

“(H) a nonhuman life form engineered such that it contains a human brain or a brain derived wholly or predominantly from human neural tissues;

“(I) nonhuman life form engineered such that it exhibits human facial features or other bodily morphologies to resemble human features; or

“(J) an embryo produced by mixing human and nonhuman cells, such that—

“(i) human gametes develop within the body of the resultant organism;

“(ii) it contains a human brain or a brain derived wholly or predominantly from human neural tissues; or

“(iii) it exhibits human facial features or other bodily morphologies to resemble human features.

“§ 1132. Prohibition on certain human-animal chimeras

“(a) IN GENERAL.—It shall be unlawful for any person to knowingly, in or otherwise affecting interstate commerce—

“(1) create or attempt to create a prohibited human-animal chimera;

“(2) transfer or attempt to transfer a human embryo into a nonhuman womb;

“(3) transfer or attempt to transfer a nonhuman embryo into a human womb; or

“(4) transport or receive for any purpose a prohibited human-animal chimera.

“(b) PENALTIES.—

“(1) IN GENERAL.—Whoever violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

“(2) CIVIL PENALTY.—Whoever violates subsection (a) shall be subject to a civil fine of the greater of—

“(A) \$1,000,000; or

“(B) the amount equal to twice the amount of the gross pecuniary gain, if any.

“(c) RULE OF CONSTRUCTION.—This section does not prohibit research involving the use of transgenic animal models containing human genes or transplantation of human organs, tissues, or cells into recipient animals, if such activities are not prohibited under subsection (a).”.

(b) TECHNICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

“52. Certain types of human-animal chimeras prohibited 1131.”.

SA 1772. Mr. LANKFORD (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CONGRESSIONAL REVIEW PROCEDURES FOR WAIVER OF OBLIGATIONS WITH RESPECT TO VACCINES OR OTHER BIOTECHNOLOGY COMMODITIES UNDER THE AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS.

Section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532) is amended by adding at the end the following:

“(e) APPROVAL BY CONGRESS OF CERTAIN WAIVERS WITH RESPECT TO VACCINES OR OTHER BIOTECHNOLOGY COMMODITIES.—

“(1) IN GENERAL.—A waiver described in paragraph (2) granted under subsection (b)(2) shall not enter into force with respect to the United States, and no funds shall be used by the Secretary of Commerce, the Secretary of Health and Human Services, or the Trade Representative to implement the terms of that waiver, unless—

“(A) the President submits the text of the proposed waiver agreement to the appropriate congressional committees; and

“(B) a joint resolution is enacted approving the waiver not later than 180 days after the later of the date on which—

“(i) the report under subsection (c)(2)(A) with respect to that waiver is submitted; or

“(ii) the text of the proposed waiver agreement under subparagraph (A) is submitted.

“(2) WAIVER DESCRIBED.—A waiver described in this paragraph is a waiver of certain provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) for a vaccine or other biotechnology commodity.

“(3) INTRODUCTION AND REFERRAL OF JOINT RESOLUTION.—A joint resolution under paragraph (1)(B) may be introduced by any member of Congress and shall be referred—

“(A) in the Senate, to the Committee on Finance; and

“(B) in the House of Representatives, to the Committee on Ways and Means.”.

SA 1773. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROCESS FOR EXCLUDING ARTICLES IMPORTED FROM THE PEOPLE’S REPUBLIC OF CHINA FROM CERTAIN DUTIES IMPOSED UNDER SECTION 301 OF THE TRADE ACT OF 1974.

(a) ESTABLISHMENT OF EXCLUSION PROCESS.—Notwithstanding any other provision of law, the President shall establish, in consultation with the United States International Trade Commission (in this section referred to as the “Commission”), a process pursuant to which United States entities and associations of such entities may request the exclusion of articles imported from the People’s Republic of China from duties described in subsection (b).

(b) DUTIES DESCRIBED.—The duties described in this subsection are duties imposed on or after September 24, 2018, pursuant to the investigation—

(1) initiated under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) on August 18, 2017; and

(2) with respect to which notice was published in the Federal Register on August 24, 2017 (82 Fed. Reg. 40213).

(c) IMPLEMENTATION OF EXCLUSION PROCESS.—In implementing the process established under subsection (a), the President shall exclude from the imposition of a duty described in subsection (b) an article imported from the People’s Republic of China if the President determines—

(1)(A) the article is not commercially available (as defined by the Commission) outside of the People’s Republic of China, or is not produced outside of the People’s Republic of China at a cost-competitive price at commercial scale;

(B) the imposition of the duty on the article would increase consumer prices for day-to-day items consumed by low- or middle-income families in the United States; or

(C) the article has not been found by a Federal agency to have directly benefited from the non-market-based policies of the People’s Republic of China, including elements of the Made in China 2025 policy; and

(2) the exclusion of the article can likely be administered by U.S. Customs and Border Protection.

(d) DETERMINATION OF INCREASED CONSUMER PRICES.—The President shall determine under subsection (c)(1)(B) that the imposition of a duty would increase consumer prices for day-to-day items consumed by low- or middle-income families in the United States if imposition of the duty would cause an increase in—

(1) the cost of an article listed in Appendix 1 to chapter 17 of the Handbook of Methods of the Bureau of Labor Statistics of the Department of Labor, dated February 14, 2018; or

(2) the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(e) COLLECTION OF DUTIES.—No duty described in subsection (b) imposed on an article imported into the United States from the People's Republic of China on or after the date of the enactment of this Act shall be collected on an article until the President has established the exclusion process required by subsection (a).

(f) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, any entry of an article imported from the People's Republic of China that would have been subject to a lower rate of duty if the entry had been made after the issuance of an exclusion of the article from the imposition of a duty described in subsection (b) pursuant to the exclusion process established under subsection (a), that was made—

(A) after the imposition of the duty described in subsection (b) with respect to that article; and

(B) before the issuance of the exclusion, shall be liquidated or reliquidated as though the entry occurred after the issuance of the exclusion.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry of an article only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the issuance of an exclusion described in paragraph (1) with respect to that article that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENTS OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(g) EXCLUSION PROCESS ESTABLISHED BY USTR.—If the United States Trade Representative establishes an exclusion process as described under the heading “SALARIES AND EXPENSES” under the heading “OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE” in title IV of division C of the joint explanatory statement of the committee of conference accompanying the Consolidated Appropriations Act, 2019 (Public Law 116-6), the Trade Representative shall establish that process in accordance with this section.

(h) DEFINITIONS.—In this section:

(1) ENTRY.—The term “entry” includes a withdrawal from warehouse for consumption.

(2) UNITED STATES ENTITY.—The term “United States entity” means an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 1774. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of division C, add the following:

SEC. 3117. SENSE OF CONGRESS AND REPORT ON ENSURING RELIABLE SUPPLY OF RARE EARTH MINERALS.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The People's Republic of China is the global leader in mining, refining, and component manufacturing of rare earth elements, producing approximately 85 percent of the world's supply between 2011 and 2017.

(B) In 2019, the United States imported an estimated 80 percent of its rare earth compounds from the People's Republic of China.

(C) On March 26, 2014, the World Trade Organization ruled that the People's Republic of China's export restraints on rare earth minerals violated its obligations under its protocol of accession to the World Trade Organization, thereby harming United States manufacturers and workers.

(D) The Chinese Communist Party has threatened to leverage the People's Republic of China's dominant position in the rare earth market to “strike back” at the United States.

(E) The Quadrilateral Security Dialogue is an effective partnership for reliable multilateral financing, development, and distribution of goods for global consumption, as evidenced by the Quad Vaccine Partnership announced on March 12, 2021.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the People's Republic of China's dominant share of the global rare earth mining market is a threat to the economic stability, well being, and competitiveness of key industries in the United States;

(B) the United States should reduce reliance on the People's Republic of China for rare earth minerals through—

(i) strategic investments in development projects, production technologies, and refining facilities in the United States; or

(ii) in partnership with strategic allies of the United States that are reliable trading partners, including members of the Quadrilateral Security Dialogue; and

(C) the United States Trade Representative should initiate multilateral talks among the countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the United States Trade Representative, in consultation with the officials specified in paragraph (3), shall submit to the appropriate congressional committees a report on the work of the Trade Representative to address the national security threat posed by the People's Republic of China's control of nearly ⅔ of the global supply of rare earth minerals.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of the extent of the engagement of the United States with the other countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals during the period beginning on the date of the enactment of this Act and ending on the date of the report; and

(B) a description of the plans of the President to leverage the partnership of the countries of the Quadrilateral Security Dialogue to produce a more reliable and secure global supply chain of rare earth minerals.

(3) OFFICIALS SPECIFIED.—The officials specified in this paragraph are the following:

(A) The Secretary of State.

(B) The Secretary of Commerce.

(C) The Chief Executive Officer of the United States International Development Finance Corporation.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Finance, the Committee on Foreign Relations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Ways and Means, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 1775. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2107(c), add the following: “The Director shall require not less than 20 percent of the cost of a research and development activity described in subsection (a) to be provided by a non-Federal source.”.

SA 1776. Mr. LANKFORD (for himself, Mr. KING, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 63. LOAN GUARANTEES FOR PROJECTS THAT INCREASE THE DOMESTIC SUPPLY OF CRITICAL MINERALS.

(a) IN GENERAL.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

“(13) Projects that increase the domestic supply of critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)), including through the production, processing, and recycling of critical minerals and the fabrication of mineral alternatives.”.

(b) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this Act shall not be made available for the cost of loan guarantees made under paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

SA 1777. Mr. RUBIO (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a